

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST FOR)	
)	ORDER NO. 1768
APPROVAL OF A FLEXIBLE SETBACK)	
)	FS2004-0015
TO REDUCE THE FRONT YARD)	
)	ORDER APPROVING
SETBACK FROM 20 FEET TO 10 FEET)	
)	WITH CONDITIONS
AND REDUCING THE REAR YARD)	
)	
SETBACK FROM 25 FEET TO FIVE (5))	
)	
FOR THE PARENT PARCEL)	
)	
(WASHINGTON COMMONS PUD),)	
)	
JOHN KLEIN AND DAVID NIELSEN,)	
)	
APPLICANTS.)	

The matter came before the Planning Commission on December 1, and December 15, 2004, on a request for Flexible Setback approval to reduce the front yard setback from 20 feet to 10 feet and reducing the rear yard setback from 25 feet to five (5) feet for the parent parcel. The proposal is applicable to a project site located generally on the westerly terminus of SW Crestwood Drive and is more specifically identified as Tax Lots 101, on Washington County Tax Assessor's Map 1S1-27AA. The zoning map designation for this property is Residential Urban Standard Density (R-7), and the project site totals approximately 1.4 acres.

Pursuant to Ordinance 2050 (Development Code) Sections 50.15.2 and 50.45, the Planning Commission (Commission) conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission adopts the following supplemental finding in support of the final action, in response to a key issue of concern, as identified herein.

Compatibility Of The Flexible Setback. The Commission raised their concern that flexible setback approval would permit homes in this new subdivision in close proximity to the existing homes. In consideration of existing homes in excess of their required setback, the Commission found that a reduction of the setback at the eastern property line would not be compatible to the existing setbacks in the area or any future redevelopment of these abutting lots. The Commission also raised concern with approving the flexible setback to allow the required open space areas to be met. The applicant addressed the Commission's concern by revising their proposal to remove Lot 7 from the subdivision and to shift the building envelope for Lots 4, 5, and 6 to meet the parent parcel setback. The applicant requested that only Lot 3 be approved with a reduced setback at the eastern property line from 20 feet to 10 feet. As stated in staff's memorandum dated December 15, 2004, staff agreed with the applicant's amended request as there were no adverse impacts identified to the properties abutting this future lot. The Commission concurred and approved flexible setback approval for the eastern property line of Lot 3 of the Washington Commons PUD.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated November 24, 2004, the memorandum dated December 15, 2004, and the supplemental findings contained herein, as applicable to the approval criteria contained in Sections 40.03 and 40.30.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that FS2004-0015 is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated November 24, 2004, the memorandum dated December 15, 2004, and the supplemental findings contained herein.

Motion **CARRIED**, by the following vote:

AYES: Winter, Bliss, Johansen, Pogue, and Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: Barnard and DeHarpport.

Dated this _____ day of _____, 2004.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No.1768, an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____, 2005.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

SAMBO KIRKMAN
Associate Planner

DAN MAKES
Vice-Chairman

STEVEN A. SPARKS, AICP
Development Services Manager